

REMARKS

This application has been reviewed in light of the Office Action dated November 26, 2003. Claims 56-73 are presented for examination, of which Claims 56, 58, 65, and 67 are in independent form. Claims 1-5, 7-16, 18-20, 31-41, and 55 have been canceled, without prejudice or disclaimer of subject matter. Claims 56-73 have been added to provide Applicant with a more complete scope of protection. Favorable reconsideration is requested.

Claims 1, 7, 12, and 18 were rejected under 35 U.S.C. § 112, first paragraph, for lack of enabling disclosure. Cancellation of these claims renders their rejection moot.

Claims 1-5, 7-16, 18-20, and 55 were rejected under 35 U.S.C. § 102(e) as being anticipated by WO 97/36453 (*Hodgkinson*), and Claims 31-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hodgkinson* in view of U.S. Patent No. 6,148,000 (*Feldman et al.*). Cancellation of Claims 1-5, 7-16, 18-20, 31-41, and 55 renders their rejections moot; however, Applicant will address the cited references with respect to Claims 56-73 as presented above.

The aspect of the present invention set forth in Claim 56 is a sending method of sending a data packet from a source node to a destination node through a switching network, where the data packet includes user data and additional data. The method includes defining a path to be followed on the network by the data packet, selecting a virtual channel representing a connection between the source node and the destination node, and sending the data packet with additional data, the selected virtual channel and an identifier of the source node, capable of representing the defined path. The combination of the virtual channel and the source node identifier makes the connection unique in the

switching network, and the additional data allows the destination node to determine the transmission mode of the data packet, connected or non-connected, on the basis of data representing at least one of the virtual channel and the source node.

Among other important features of Claim 56 is sending the data packet with additional data, the selected virtual channel and an identifier of the source node, capable of representing the defined path, where the combination of the virtual channel and the source node identifier makes the connection unique in the switching network, and the additional data allows the destination node to determine the transmission mode of the data packet, connected or non-connected, on the basis of data representing at least one of the virtual channel and the source node.

As discussed previously, *Hodgkinson* relates to a method of transmitting an asynchronous transfer mode (ATM) cell over an ATM network between an ATM input interface and an ATM output interface. The *Hodgkinson* method transmits data over an ATM network comprising a set of interconnected switches, and which is suitable for transmitting data either in a connectionless manner or in a connection-oriented manner.

In the *Hodgkinson* method, the switch node reads the PT field (Payload Type) to determine whether a connectionless service is required or not (page 11, lines 6-9 and 17-28). This PT field represents additional data (it is a predefined value, for example "111", used to indicate that the service is connectionless (page 10, lines 18-20)) in addition to other fields of the header which includes VPI (Virtual Path Identifier) and VCI (Virtual Channel Identifier) data (page 5, lines 9-12). As shown in Table 1 on page 6 of *Hodgkinson*, the PT field is different from the VCI and VPI fields. In contrast, the present invention of Claim 56 does not require a PT field to determine whether the transmission mode is connected or non-connected.

In the sending step of Claim 56, the additional data that allows the destination node to determine the transmission mode of the data packet, connected or non-connected, represents at least one of the virtual channel and the source node. *Hodgkinson*, however, does not discuss how the transmission mode can be determined based only on the above-mentioned parameters. In fact, *Hodgkinson* discusses selecting a predetermined value of the PT to inform about the transmission mode. *Hodgkinson* states that at each switching node between the ATM input interface and the ATM output interface, a specific field (PT field) in the ATM cell header is read to determine if the cell is to be forwarded in a connectionless manner (page 2, lines 13-25, page 3, lines 11-15, and page 4, lines 4-9). This is done so that the routing tables do not need to be set up by signaling each transmission of ATM cells between a particular access node and a particular destination node. Accordingly, reading of the PT field represents a specific processing in *Hodgkinson* to deal with the routing of packets in the network. Because it is a question of routing packets in the network, it is well understood by one skilled in the art that there is no need to implement such a processing (reading of the PT field) in a destination node, where there no longer is a problem of defining the routing of packets. Thus, the processing in *Hodgkinson*, in which the intermediate switch nodes read the PT field to determine whether a connectionless service is required, is not disclosed with respect to the destination node. Accordingly, nothing has been found in *Hodgkinson* that would teach or suggest sending the data packet with additional data capable, the selected virtual channel and an identifier of the source node, of representing the defined path, where the combination of the virtual channel and the source node identifier makes the connection unique in the switching network, and the additional data allows the destination node to determine the

transmission mode of the data packet, connected or non-connected, on the basis of data representing at least one of the virtual channel and the source node, as recited in Claim 56.

Accordingly, Applicant submits that Claim 56 is clearly patentable over *Hodgkinson*, taken alone.

As discussed previously, *Feldman et al.* concerns a switching apparatus and a method for receiving and transmitting data units which are each segmented into a series of cells of data. *Feldman et al.* uses standard IP routing protocols as the basis for switching IP data grams, packets, frames, and other data units in switching environments, such as asynchronous transfer mode (ATM) environment, with the addition of a virtual circuit establishment protocol. However, nothing has been found in *Feldman et al.* that would remedy the deficiencies of *Hodgkinson*, and in particular nothing has been found in *Feldman et al.* that would teach or suggest sending the data packet with additional data capable of representing the defined path, the selected virtual channel and an identifier of the source node, where the combination of the virtual channel and the source node identifier makes the connection unique in the switching network, and the additional data allows the destination node to determine the transmission mode of the data packet, connected or non-connected, on the basis of data representing at least one of the virtual channel and the source node, as recited in Claim 56.

For at least the above reasons, Applicant believes that Claim 56 is clearly patentable over the cited prior art.

Independent Claim 65 is a device claim corresponding to method Claim 56, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 56. Additionally, independent Claims 58 and 67 include similar features as those discussed above in connection with Claim 56. Accordingly, Claims 58

and 67 are believed to be patentable for reasons substantially similar as those discussed above in connection with Claim 56.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 29. 286

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200